

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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IBG LLC,  
INTERACTIVE BROKERS LLC,  
TRADESTATION GROUP, INC.,  
TRADESTATION SECURITIES, INC.,  
Petitioners

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.  
Patent Owner

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Patent No. 7,693,768 B2

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**DECLARATION OF KENDYL A. ROMÁN  
IN SUPPORT OF PETITION FOR  
COVERED BUSINESS METHOD REVIEW OF  
U.S. PATENT NO. 7,693,768**

IBG 1007

I, Kendyl A. Román, declare as follows:

1. I have been engaged by Sterne, Kessler, Goldstein & Fox P.L.L.C. on behalf of IBG LLC, Interactive Brokers LLC, TradeStation Group, Inc., and TradeStation Securities, Inc., for the above-captioned covered business method review proceeding. I understand that this proceeding involves United States Patent 7,693,768 B2, entitled “Click based trading with intuitive grid display of market depth,” by Gary Allan Kemp, II, et al., filed October 25, 2006 and issued April 6, 2010, (the “’768 Patent”). I understand that the ’768 Patent is currently assigned to Trading Technologies International, Inc. (“TT”).

2. I understand the ’768 Patent claims benefit from U.S. provisional application 60/186,322. For purposes of the covered business method review, I assume the earliest possible priority date of the ’768 Patent is the March 2, 2000 filing date of U.S. provisional application 60/186,322.

3. I have reviewed and am familiar with the specification of the ’768 Patent. I understand that the ’768 Patent has been provided as Exhibit 1001. I will cite to the specification using the following format: (’768 Patent, 1:1-10). This example citation points to the ’768 Patent specification at column 1, lines 1-10.

4. I have reviewed and am familiar with the file history of the ’768 Patent. I understand that the file history has been provided as Exhibit 1002.

5. I have also reviewed and am familiar with the following prior art used in the Petition for Covered Business Method Review of the '768 Patent:

- U.S. Patent No. 5,077,665 to Silverman *et al.* (“Silverman”). I understand that Silverman has been provided as Exhibit 1010.
- U.S. Patent No. 5,297,031 to Gutterman *et al.* (“Gutterman”). I understand that Gutterman has been provided as Exhibit 1011.
- WO 90/11571 to Belden *et al.* (“Belden”). I understand that Belden has been provided as Exhibit 1012.
- U.S. Patent No. 5,960,411 to Hartman *et al.* (“Hartman”). I understand that Hartman has been provided as Exhibit 1015.
- A certified translation of “System for Buying and Selling Futures and Options Transaction Terminal Operational Guidelines” (“TSE”). I understand that the original Japanese language document was provided as Exhibit 1016, the certified translation provided as Exhibit 1017, and the certification of translation provided as Exhibit 1018.

6. I have also reviewed and am familiar with:

- “About Face: The Essentials of User Interface Design,” by Alan Cooper (1995) (“Cooper”). I understand that Cooper has been provided as Exhibit 1022.
- “Designing the User Interface: Strategies for Effective Human-Computer Interaction,” by Ben Shneiderman (1998) (“Shneiderman”). I understand that Shneiderman has been provided as Exhibit 1023.
- “Inside Macintosh, Promotional Edition,” by Apple Computer, Inc. (1985) (“Inside Macintosh”). I understand that Inside Macintosh has been provided as Exhibit 1036.
- Dictionary of Computing, definition of “software” (1996) (“Oxford Dictionary”). I understand that Oxford Dictionary has been provided as Exhibit 1037.
- Image from Super Mario Bros. game (1985). I understand that this image has been provided as Exhibit 1042.
- Source code for Metal Warrior V1.6 (1999). I understand that this source code as been provided as Exhibit 1043.
- U.S. Patent No. 6,205,260 to Crinon *et al.* (“Crinon”). I understand that Crinon has been provided as Exhibit 1044.

7. A complete listing of additional materials considered and relied upon in preparation of my declaration is provided as Exhibit 1026. I have relied on

these materials to varying degrees. Citations to these materials that appear below are meant to be exemplary but not exhaustive.

8. The '768 Patent describes click based trading with intuitive grid display of market depth. ('768 Patent, Title.) I am familiar with the technology described in the '768 Patent as of the earliest possible priority date of the '768 Patent (March 2, 2000).

9. I have been asked to provide my technical review, analysis, insights and opinions regarding the '768 Patent and the above-noted references that form the basis for the grounds of unpatentability set forth in the petition for Covered Business Method Review of the '768 Patent.

## **I. QUALIFICATIONS**

10. See my Curriculum Vitae provided as Exhibit 1025 for a listing of my qualifications. This includes a list of publications for the past 10 years or more.

11. My expertise qualifies me to do the type of analysis required in this case. Of particular relevance, I have been involved in the design, implementation, testing, and analysis of computer software, firmware, and hardware for over thirty years, including software architecture, graphical user interfaces, trading systems, and other networked, data-driven client-server systems. My work has included analysis of trading systems including source code and user interfaces. In addition, I

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